

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
SEC Church Lane & Long Green Pike * #13305 Long Green Pike
11th Election District * OF BALTIMORE COUNTY
6th Councilmanic District * CASE # 91-155-XA
Legal Owner
Most Reverend William H. Keeler *
Roman Catholic Archbishop of Balto.
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Petition for Special Exception from Baltimore County Zoning Regulations (B.C.Z.R.) to use the herein described property for the expansion of St. John the Evangelist (Hydes) Roman Catholic Congregation, Inc., current school facility. Use of the newly constructed building will include classrooms including computer science room, music and art rooms, teachers lounge, kindergarten, library and various supporting facilities such as lavatories and closet storage space; a Petition for a Zoning Variance from Sections 1A01.3.B.3 and 102.2 to permit a sideyard setback of 26.25 ft. (sum of 52.5 ft.) in lieu of the required 35 feet (sum of 70 ft.) between the existing convent and the existing Parish Center, and a side yard setback of 32.35 feet (sum of 64.70 ft.) between the existing old church and the existing Parish Center, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Reverend Leo R. Tittler, appeared, testified and was represented by Thomas N. Biddison, Esquire. Appearing and testifying as witnesses were Robert Bayer, Louis F. Baird and Joe Prosser. There were no Protestants.

Testimony indicated that the subject property, fronting on Long Green

Pike at the intersection of Church Lane, consists of 15 +/- acres and is zoned R.C.2. The property is currently developed with a stone church, an old church building presently being renovated, a parish center, convent, existing school building, library and several support buildings. The church and school has existed at this site for more than 100 years.

Testimony also indicated that the proposal set forth in this Petition for Variance will correct existing zoning deficiencies for existing structures. This relief will also allow further expansion of the site, as shown on Petitioner's Exhibit No. 1, excluding expansion for the proposed mausoleum at the rear of the property. The proposed mausoleum is only shown on Petitioner's Exhibit No. 1 for informational purposes and is not a part of the requested relief.

The Petitioner's witnesses testified that the particular school operation services approximately 220 students from kindergarten through the 8th grade. The church facilities service in excess of 1500 families and, in the opinion of all of the Petitioner's witnesses, the subject site complies with all of the requirements of the B.C.Z.R. for a special exception church and school.

The evidence produced clearly establishes that the Petitioner's operation at the subject site is nonconforming for both the church and school.

Mr. Louis Baird testified that, based on his professional experience, it was his opinion that the business would not cause any adverse impact and would not create traffic congestion over and above what already exists. He testified that the conditions delineated in Section 502.1 (B.C.Z.R.) will be satisfied.

Reverend Tittler and Mr. Louis Baird testified that, in their opinion, the proposed use at the subject property would not be detrimental to the

health, safety, and general welfare of the community, and that the conditions delineated in Section 502.1 of the B.C.Z.R. will be satisfied.

A special exception is a granting by the Zoning Commissioner or Deputy Zoning Commissioner, pursuant to the existing provisions of the Baltimore County Zoning Regulations (B.C.Z.R.). It is subject to the guidelines and standards contained in the provisions of the B.C.Z.R. A special exception is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner or Deputy Zoning Commissioner must in each case, decide under the specific standards set forth in Section 502 of the B.C.Z.R. whether the presumptive compatibility does, in fact, exist in this case. See, Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970). Furthermore, "... there cannot be a grant of a Special Exception unless the B.C.Z.R. provide that the conditional use sought is permissible in the zone in which the land involved is situated..." Schultz v. Pritts 291 Md. 1, 432 A.2d 1319 (1981). The duty of the Zoning Commissioner or Deputy Zoning Commissioner is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the zoning plan.

The Petitioner has the burden of adducing testimony which will establish that the Petitioner's use meets the prescribed standards and requirements. He does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community and, furthermore, if the Petitioner shows to the satisfaction of the Zoning Commissioner or Deputy Zoning Commissioner that the proposed use would be conducted without real

detriment to the neighborhood and would not actually adversely affect the public interest, then the Petitioner has met the burden of proof. See Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974).

The Petitioner has met his burden of proof and established the requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has satisfied the Zoning Commissioner that this proposal would be conducted without any adverse impact upon the neighboring properties. This proposal appears to meet the general purpose and intent of the special exception standards.

The Petitioner's request for variances is created by the setback deficiencies between the Parish Center, the Convent and the garage. These setback deficiencies were not noticed when the Parish Center was granted a building permit by Baltimore County in approximately 1985. These three structures now exist and the variance request only seeks to correct a pre-existing deficiency.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

ORDER RECEIVED FOR FILING
Date 12/1/90
By J. Robert Haines

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Date 12/1/90
By J. Robert Haines

ORDER RECEIVED FOR FILING
Date 12/1/90
By J. Robert Haines

ORDER RECEIVED FOR FILING
Date 12/1/90
By J. Robert Haines

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-3-

-4-

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of December, 1990 that a Petition for Special Exception, pursuant to Section 1A01.2.C.6 & 19, for a church and other religious buildings including a school, as permitted, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for a Zoning Variance from Sections 1A01.3.B.3 and 102.2 to permit a sideyard setback of 26.25 ft. (sum of 52.5 ft.) in lieu of the required 35 feet (sum of 70 ft.) between the existing convent and the existing Parish Center, and a side yard setback of 32.35 feet (sum of 64.70 ft.) between the existing old church and the existing Parish Center, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Pursuant to Section 502.3 of the B.C.Z.R., this Special Exception may be utilized within five (5) years of the date of this final Order.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:mm
cc: Peoples Counsel

J. Robert Haines
Zoning Commissioner for
Baltimore County

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

December 6, 1990

Thomas N. Biddison, Esquire
Gallagher, Evelius and Jones
218 North Charles Street, Suite 400
Baltimore, Maryland 21201

RE: Case No. 91-155-XA
Most Reverend William H. Keeler, Roman Catholic Archbishop
of Baltimore, a corporation sole, Legal Owner
Petitioner

Dear Mr. Biddison:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mm
cc: Peoples Counsel
cc: Reverend Leo R. Tittler
cc: Mr. Robert Bayer
cc: Mr. Louis F. Baird
cc: Mr. Joe Prosser

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for see attachment

USE:

ENH.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

218 N. Charles St., Suite 400

Address

Baltimore, Maryland 21201

City and State

Attorney's Telephone No.: (301) 727-7702

Legal Owner(s):
Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore, a corporation sole

Signature

St. John's The Evangelist Catholic Church

(Type or Print Name)

Signature: Reverend Leo R. Tittler

320 Cathedral Street (301) 543-5366

Address

Baltimore, Maryland 21203

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Thomas N. Biddison

Gallagher, Evelius & Jones

Name

218 N. Charles St., Suite 400

Baltimore, MD 21201 (301) 727-7702

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____, 19____, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the _____ day of _____, 19____, at _____ o'clock

_____ M.

J. Robert Haines

Zoning Commissioner of Baltimore County.

z.c.o.-No. 1

(over)

ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING
FOR / AFTER / BEFORE - NEXT TWO MONTHS
ALL COUNCIL MEMBERS
REVIEWED BY: CAN DATE 26 Sept 90

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Attachment

91-155-XA

The Petitioner hereby requests that a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the expansion of St. John the Evangelist, Hydes, Roman Catholic Congregation, Inc.'s current school facility. Use of newly constructed building will include classrooms including computer science room and music and art rooms, teachers' lounge, kindergarten, library and various supporting facilities such as lavatories and closet storage space.

The Petitioner seeks to construct an expanded school facility to accommodate and enrich the growing population in this area while meeting the standard requirements of Section 502.1 of the Baltimore County Zoning Regulation (B.C.Z.R.). It is the Petitioner's intent to construct the subject building in a manner consistent with the architectural integrity of the surrounding community.

The Petitioner proposes that the use will not have an adverse impact on vehicular traffic in surrounding area and that the Petitioner will remove as little vegetation as possible from the site and will make concerted efforts in the natural preservation of the landscape.

In summation, the proposed use will not be detrimental to the health, safety and/or general welfare of the area, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purpose of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

0340RRK.gmh

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-155-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section _____ See Attachment Sheet #1

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Attachment Sheet #2

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: Legal Owner(s): Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore, a corporation sole.
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner: Thomas N. Biddison, Esq., 320 Cathedral Street, (301) 547-5366, Baltimore, Maryland 21203
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: (301) 727-7702

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock

J. Robert Haines
Zoning Commissioner of Baltimore County.

(1)
and 102.2 ft
Variance from Section 1401.3 Paragraph B3; to permit a side yard setback of 26.25 feet (sum of 52.5 feet) in lieu of the required 35 feet (sum of 70 feet) between the existing convent and the existing Parish Center, and a side yard setback of 32.35 feet (sum of 64.70 feet) between the existing old church and the existing Parish Center.

(2)
The existing convent is a converted residence now used as the living quarters for nuns teaching at the Parish School. This structure was built prior to 1960. The existing Parish Center houses the business office of the Parish, offices for the Parish clergy, used for the conduct of pastoral functions and a meeting center for various church committees. The Parish Center was constructed in 1983 under permit no. C-1275-85. The existing old church was constructed in the 1800's. This structure is currently being prepared for major interior restoration and structural rehabilitation. All of these structures are permanent and therefore would require the demolition and reconstruction of one of the buildings. Temporary facilities would be needed to house the parish offices or housing quarter's for the nuns. This presents an impractical difficulty. Finally demolition and reconstruction would pose a severe economic hardship on the Parish as there are no monies available to accomplish this task and the church depends solely on the gifts and charity of the member parishioners for its daily and long term monetary needs.

91-155-XA

J. FINLEY RANSONE & ASSOCIATES, INC.
REGISTERED LAND SURVEYORS
P.O. Box 10180
TOWSON, MARYLAND 21285-0180
666-7448
FAX 666-0373
91-155-XA

August 15, 1990

ZONING DESCRIPTION
Saint John the Evangelist
Roman Catholic Church
Hydes, Maryland

SECOND PARCEL, WEST SIDE LONG GREEN PIKE

ALL that piece or parcel of land situate, lying, and being in the Eleventh Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING For the same at a point in the center of Long Green Pike, said point being distant southwesterly along the center of said pike, 662 feet more or less from the intersection formed by the centerline of Long Green Pike and Church Lane, formerly Irish Avenue, running thence and binding on the center of said pike, and binding on the outlines of the property of the petitioners herein:

- 1) South 64 degrees 40 minutes 00 seconds West, 106.40 feet,
- 2) South 55 degrees 17 minutes 30 seconds East, 116.40 feet, thence leaving said pike,
- 3) North 52 degrees 32 minutes 00 seconds West, 378.00 feet,
- 4) North 37 degrees 28 minutes 00 seconds West, 210.00 feet,
- 5) South 52 degrees 32 minutes 00 seconds East, 462.50 feet, to the point of beginning.

CONTAINING 2.00 acres of land more or less.

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J. FINLEY RANSONE & ASSOCIATES, INC.
REGISTERED LAND SURVEYORS
P.O. Box 10180
TOWSON, MARYLAND 21285-0180
666-7448
FAX 666-0373
91-155-XA

August 15, 1990

ZONING DESCRIPTION

Saint John the Evangelist
Roman Catholic Church
Hydes, Maryland

ALL that piece or parcel of land situate, lying, and being in the Eleventh Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING for the same at the corner formed by the intersection of the center of Church Lane with the southeast side of Long Green Pike, running thence and binding on the southeast side of said pike, and binding on the outlines of the property of the petitioners herein:

- 1) by a line curving toward the right, having a radius of 650 feet for an arc distance of 156.38 feet, thence
- 2) South 64 degrees 40 minutes 00 seconds West, 433.00 feet, and
- 3) by a line curving toward the left, having a radius of 765 feet for an arc distance of 459.84 feet, thence leaving said pike and continuing to bind on the outlines of the property of the petitioners herein:
- 4) North 69 degrees 39 minutes 57 seconds West, 1,075.30 feet,
- 5) North 30 degrees 50 minutes 09 seconds East, 350.00 feet,
- 6) North 37 degrees 03 minutes 11 seconds East, 100.00 feet,
- 7) South 59 degrees 09 minutes 51 seconds East, 140.03 feet, and
- 8) North 30 degrees 50 minutes 09 seconds East, 320.00 feet, to a point in the bed of Church Lane, thence binding in said Lane,
- 9) North 75 degrees 00 minutes 00 seconds West, 236.00 feet, and
- 10) North 56 degrees 40 minutes 00 seconds West, 260.00 feet, to the point of beginning.

CONTAINING 14.02 acres of land more or less.

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CERTIFICATE OF PUBLICATION

TOWSON, MD., 11-9-1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 11-7-1990

TOWSON TIMES,

S. Zate Orlan
Publisher

\$ 97.29

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from Section 1401.3 Paragraph B3, to permit a side yard setback of 26.25 feet (sum of 52.5 feet) in lieu of the required 35 feet (sum of 70 feet) between the existing convent and the existing Parish Center, and a side yard setback of 32.35 feet (sum of 64.70 feet) between the existing old church and the existing Parish Center.
Petitioners for Special Exception and Zoning Variance: Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore, a corporation sole, 320 Cathedral Street, Baltimore, Maryland 21203.
Special Exception for church and related uses: Variance to allow a side yard setback of 26.25 ft. (sum of 52.5 ft.) in lieu of the required 35 ft. (sum of 70 ft.) between the existing convent and the existing parish center; and a side yard setback of 32.35 ft. (sum of 64.70 ft.) between the existing old church and the existing parish center.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
11103 Nov. 8

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11-9-1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 11-7-1990

THE JEFFERSONIAN,

S. Zate Orlan
Publisher

\$ 97.29

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from Section 1401.3 Paragraph B3, to permit a side yard setback of 26.25 feet (sum of 52.5 feet) in lieu of the required 35 feet (sum of 70 feet) between the existing convent and the existing Parish Center, and a side yard setback of 32.35 feet (sum of 64.70 feet) between the existing old church and the existing Parish Center.
Petitioners for Special Exception and Zoning Variance: Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore, a corporation sole, 320 Cathedral Street, Baltimore, Maryland 21203.
Special Exception for church and related uses: Variance to allow a side yard setback of 26.25 ft. (sum of 52.5 ft.) in lieu of the required 35 ft. (sum of 70 ft.) between the existing convent and the existing parish center; and a side yard setback of 32.35 ft. (sum of 64.70 ft.) between the existing old church and the existing parish center.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
11103 Nov. 8

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204
Date: 9/25/90
PUBLIC HEARING FEES
QTY PRICE
080 - ZONING VARIANCE (OTHER) 1 X \$175.00
080 - POSTING SIGNS / ADVERTISING 1 X \$175.00
TOTAL: \$350.00
LAST NAME: Zate Orlan
28673 from Gallagher, Evellus & Jones
0123 from St. John's Capital Campaign
D4AD4H0042M1CHRC \$350.00
BA C009:43AM09-26-90
Please make checks payable to: Baltimore County
Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11A Date of Posting: 11/10/90
Posted for: Special Exception & Variance
Petitioner: Rev. William H. Keeler & St. John the Evangelist Roman Catholic Church
Location of property: 55100 Church Lane & Long Green Pike
Location of Sign: Signs in front of church front long Green Pike, approx. 10 ft. away, on property of St. John
Remarks: 11/10/90
Posted by: M. Haines Date of return: 11/10/90
Number of Signs: 2

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204
Date: 12/06/90
PUBLIC HEARING FEES
QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$244.58
TOTAL: \$244.58
LAST NAME OF OWNER: KEELER
D4AD4H0042M1CHRC \$244.58
BA C009:43AM09-26-90
Please make checks payable to: Baltimore County
Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DATE: 11/26/90

St. John the Evangelist Catholic Church
c/o Thomas N. Biddison, Esq.
218 N. Charles Street, Suite 400
Baltimore, Maryland 21201
Re: Petition for Special Exception and Zoning Variance
CASE NUMBER: 91-155-XA
HEARING: THURSDAY, DECEMBER 6, 1990 at 9:30 a.m.

Gentlemen:

Please be advised that \$ 244.58 is the cost incurred for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that for each sign & post set(s) not returned, there is an additional \$50.00 charge.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

OCT 29 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 100 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 91-155-XA
SEC Church Lane and Long Green Pike (#13305 Long Green Pike)
11th Election District-4th Councilmanic District
Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore
St. John's The Evangelist Catholic Church
HEARING: THURSDAY, DECEMBER 6, 1990 at 9:30 a.m.

Special Exception for church and related uses. Variance to permit a side yard setback of 26.25 ft. (sum of 52.5 ft.) in lieu of the required 35 ft. (sum of 70 ft.) between the existing convent and the existing parish center; and a side yard setback of 32.35 ft. (sum of 64.70 ft.) between the existing old church and the existing parish center.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

10/5/90
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 137, Zoning Advisory Committee Meeting of October 16, 1990
Property Owner: Most Rev. Wm. H. Keeler, Roman Catholic Archbishop of Baltimore, St. John's The Evangelist Catholic Church
Location: 13305 Long Green Pike District: 11
Water Supply: private Sewage Disposal: private
COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for new existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted.
- () The results are valid until.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until.
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others: Additional soil evaluations, changes and/or additions to existing sewage disposal systems may be required prior to approval by this Dept. for additional construction on site. For further information, contact Mr. Robert Haines of the Water & Sewer Division at 887-2762.

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 27, 1990



Dennis F. Rasmussen
County Executive

Thomas N. Biddison, Esquire
Gallagher, Evius & Jones
218 N. Charles Street, Suite 400
Baltimore, MD 21201

RE: Item No. 139, Case No. 91-155-XA
Petitioner: St. John's The Evangelist
Petition for Zoning Variance and
Special Exception

Dear Mr. Biddison:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Most Reverend William H. Keeler
Roman Catholic Archbishop of Baltimore
St. John's The Evangelist Catholic Church

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
16th day of October, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: St. John's The Evangelist Catholic Church

Petitioner's Attorney: Thomas N. Biddison

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 25, 1990
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Most Reverend William H. Keeler, Roman Catholic
Archbishop of Baltimore, a corporation sole, Item No. 139

In reference to the Petitioner's request, staff offers the following comments:

- The plat accompanying the Petition for Special Exception and Variances indicates existing conditions for the most part, i.e., the parish center, convent, sanctuary, school, and other buildings. The Petitioner proposes to relocate a modular classroom, construct a small, two-story addition to the existing elementary school, and to erect a mausoleum as part of the existing cemetery.

Staff supports the Petitioner's proposal provided that all proposed development is compatible with the existing architectural style of the church, other buildings on site, and the surrounding community.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

FK/JL/cmm

ITEM139/ZAC1

received
10/30/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 10, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C.E.B.

SUBJECT: ZONING ITEM #: 139
PROPERTY OWNER: Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore/St. John's The Evangelist Catholic Church
LOCATION: SEC Church La & Long Green Pike Catholic Church (#13305 Long Green Pike)
ELECTION DISTRICT: 11th
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED. RAZING PERMITS ARE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 18, 1990

FROM: Robert W. Rowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 15, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 115 and 141.

Item 137 is subject to the previous County Review Group comments.

For Items 100, 138, 139 and 142, County Review Group Meetings may be required for these improvements.

For Item 118, the property outline and square footage are incorrect as per R/W plat 78-150-150. The Maple Road right-of-way at frontage equals 42 feet.

For Item 143, a 10-foot widening strip is required for future 50-foot right-of-way at frontage equals 42 feet.

Robert W. Rowling, P.E., Chief
Developers Engineering Division

RWB:s

91-155-XA

LAW OFFICES
GALLAGHER, EVELIUS & JONES
FARNS CHURCHES
218 NORTH CHARLES STREET
BALTIMORE, MD. 21201
TELEPHONE (301) 727-7702
TELEFAX (301) 837-3079

RECEIVED
OCT 12 1990
ZONING OFFICE

October 11, 1990

Mr. Robert Haines
Zoning Commissioner
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: St. John, Hydes, Church
Item Number 139

Dear Mr. Haines:

As you are aware from earlier meetings, the above-captioned church is anxious to construct an addition to its school; however, a special exception and variance are required. The necessary petitions for these have been recently filed. Because of the need to get started as soon as possible in order to complete the construction by September of 1991 for the opening of the school year, I ask that you expedite the hearing date on item 139.

Your cooperation and assistance in supplying us with the earliest possible date would be greatly appreciated.

Very truly yours,
Robert Kern, Jr.
Robert R. Kern, Jr.

RRK:p/3134
100-43.

cc: Msgr. G. Michael Schleupner
Rev. Michael J. Spillane
Richard O. Berndt, Esquire
Rev. Leo Rittler
Mr. Louis P. Baird
Thomas N. Biddison, Jr., Esquire

RECEIVED OCT 20 1990

91-155XA

ZONING COMMISSIONER - WITNESS FORM

NAME: Mr. Biddison
ADDRESS: _____
COMPANY: _____
ADDRESS: _____

REPRESENTING: _____
SUPPORTING: PETITIONER _____ PROTESTANT _____

TESTIMONY: The proposed mausoleum is not part of this request. Only shown for further notice.

221 students K-8
Wants to open new library

1500 family

Mr. Biddison

Open in 1925 school

Review of 502.1
Review of 307.1

Grant for 5 years

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3353

J. Robert Haines
Zoning Commissioner

Provisional Approval
Permit No: 3061376 C-1576-90

DATE: 27 Sept 90

LOCATION: St. John's Catholic Church/School
Long Green Pike
Hydes, Maryland

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following conditions: (Please check appropriate box(es))

- ☒ Owner has filed for a public hearing, Item # 139.
- ☐ Owner must file for a public hearing within _____ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.
- ☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within _____ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

J. Robert Haines
Zoning Commissioner

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner in this matter. I also hereby certify that I am the undersigned as in fact the owner and if applicable the contract purchaser and not just an agent for same.

Signed: Haines Signed: _____
Owner: St. John's Catholic Church Contract Purchaser: _____
of Baltimore, a corporation sole
(Please print clearly)
c/o Robert R. Kern, Jr.
Name: Gallagher, Evelius & Jones Name: _____
Address: 218 N. Charles St. Address: _____
Baltimore, MD 21201
Rock Phone: 837-7702 Rock Phone: _____

C.A.M.H.
Zoning Office Staff

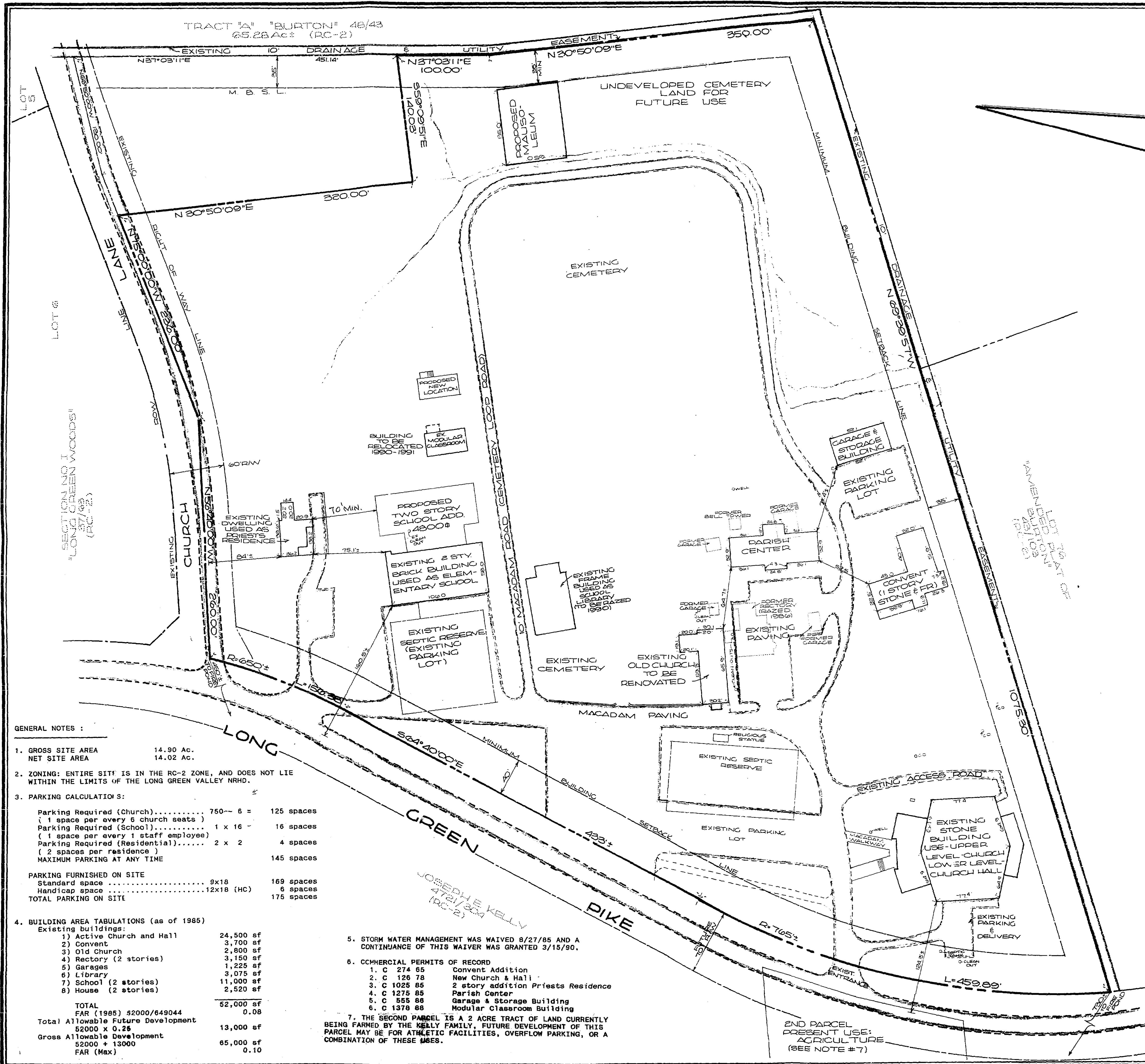
91-155XA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: ROBERT DAYER
NEW LEAF TOWER
LOUIS F. BAIRD
JOE PRISNER

ADDRESS: 8 ANSARI Ct BALDWIN 24
13305 Long Green Rd. Hydes
320 CANNEDAL STREET BALDWIN 24
4407 MEADOWCLIFF RD. BALDWIN 24



PLAT TO ACCOMPANY
PETITION FOR
ZONING VARIANCE AND
SPECIAL EXCEPTION
ST. JOHN THE EVANGELIST
ROMAN CATHOLIC
CHURCH
LONG GREEN PIKE
HYDES, MARYLAND
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

91-155-XA

PETITIONER'S
EXHIBIT 1

GENERAL NOTES :

1. GROSS SITE AREA 14.90 AC.
NET SITE AREA 14.02 AC.
2. ZONING: ENTIRE SITE IS IN THE RC-2 ZONE, AND DOES NOT LIE WITHIN THE LIMITS OF THE LONG GREEN VALLEY NRHD.
3. PARKING CALCULATION S:
 Parking Required (Church)..... 750 -- 6 = 125 spaces
 (1 space per every 6 church seats)
 Parking Required (School)..... 1 x 16 = 16 spaces
 (1 space per every 1 staff employee)
 Parking Required (Residential)..... 2 x 2 = 4 spaces
 (2 spaces per residence)
 MAXIMUM PARKING AT ANY TIME 145 spaces
 PARKING FURNISHED ON SITE
 Standard space 9x18 169 spaces
 Handicap space 12x18 (HC) 9 spaces
 TOTAL PARKING ON SITE 175 spaces

4. BUILDING AREA TABULATIONS (as of 1985)

Existing buildings:	
1) Active Church and Hall	24,500 sf
2) Convent	3,700 sf
3) Old Church	2,800 sf
4) Rectory (2 stories)	3,150 sf
5) Garages	1,225 sf
6) Library	3,075 sf
7) School (2 stories)	11,000 sf
8) House (2 stories)	2,520 sf
TOTAL	52,000 sf
FAR (1985) 42000/649044	0.08
Total Allowable Future Development	
52000 x 0.25	13,000 sf
Gross Allowable Development	
52000 x 13000	65,000 sf
FAR (Max)	0.10

5. STORM WATER MANAGEMENT WAS WAIVED 8/27/85 AND A CONTINUANCE OF THIS WAIVER WAS GRANTED 3/15/90.

6. COMMERCIAL PERMITS OF RECORD
1. C 274 65 Convent Addition
 2. C 126 78 New Church & Hall
 3. C 1025 85 2 story addition Priests Residence
 4. C 1275 85 Parish Center
 5. C 555 88 Garage & Storage Building
 6. C 1378 88 Modular Classroom Building

7. THE SECOND PARCEL IS A 2 ACRE TRACT OF LAND CURRENTLY BEING FARMED BY THE KELLY FAMILY. FUTURE DEVELOPMENT OF THIS PARCEL MAY BE FOR ATHLETIC FACILITIES, OVERFLOW PARKING, OR A COMBINATION OF THESE USES.

2ND PARCEL
PRESENT USE:
AGRICULTURE
(SEE NOTE #7)

AMENDMENTS AND REVISIONS	
DATE	REASON
8-17-90	RCZD COMMENTS
9-20-90	CORRECT TITLE BLOCK

SCALE: 1" = 50'

DATE: 15 AUG 1990



**J. FINLEY RANSONE
& ASSOCIATES**

REGISTERED
LAND SURVEYORS

P.O. BOX 10160
TOWSON, MARYLAND

21285-0160
666-7448

J# 8910-675 XX

F# 118-021 (SX)

